



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	5/28/08	AGENDA REQUEST NO:	III B
INITIATED BY:	HAROLD ELLIS, PLANNER II <i>HE</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	HAROLD ELLIS, PLANNER II	ASSISTANT PLANNING DIRECTOR:	DOUGLAS P. SCHOMBURG, AICP <i>D.P.S.</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A

SUBJECT / PROCEEDING:	SPECIAL EXCEPTION TO THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT MINIMUM REAR YARD SETBACK REQUIREMENT FOR 73 THE OVAL PUBLIC HEARING, CONSIDERATION AND ACTION
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EXHIBITS:	STAFF REPORT, VICINITY MAP, SITE PLAN, PLAT EXCERPT, SITE PHOTOS, AERIAL PHOTOGRAPH WITH REAR SETBACK, APPLICATION, PUBLIC HEARING NOTICE
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CLEARANCES		APPROVAL	
LEGAL:	N/A	DIRECTOR OF PLANNING:	SABINE SOMERS-KUENZEL, AICP <i>AK</i>

RECOMMENDED ACTION

Approval of the requested Special Exception to allow the proposed construction in accordance with the attached site plan.

EXECUTIVE SUMMARY

The is a request for a Special Exception from the required rear yard setback in the Restricted Single-Family Residential (R-1R) District for property located at 73 The Oval in the *Sweetwater Section Two* subdivision. The property was platted in 1983 and was developed with a sixteen-foot utility easement serving as the rear yard setback line. When the property was annexed into the City of Sugar Land, R-1R zoning was applied to the subdivision, which requires a 30-foot rear yard setback. The owner has requested the Special Exception in order to construct a new home extending beyond the 30' rear setback line. If the Special Exception is granted as requested, the home would extend approximately 7' 11" into the required 30-foot rear yard setback for R-1R Districts, creating a 22' 1" rear setback. The lot coverage with this site plan will be 28%.

On October 25, 2006, the Board approved a previous Special Exception to allow encroachment into the rear yard, with two conditions: 1) that construction occur pursuant to the site plan submitted with the application and 2) that the livable square footage not exceed 9000 square feet. That Special Exception created a 21' rear setback and the lot coverage with the approved site plan would have been 39%. The house was never built, and the property has since changed hands. The new owner requested to apply the previously approved Special Exception. However, the site plan will not reflect the same footprint as the one attached to the Special

Exception that was approved in 2006.

Due to the fact that the new site plan will not match the one the Board reviewed, Planning has concluded that it is the Board's authority, not staff's, to determine whether this new site plan is compatible with the neighborhood.

Fady Naja, fady@beydesign.com

File No. 9782

EXHIBITS

STAFF REPORT

Request for a Special Exception to the Restricted Single-Family Residential (R-1R) district minimum rear yard setback requirement for 73 The Oval.

Subject Property Description:

Address: 73 The Oval
Subdivision: Sweetwater Section Two (1983)
Block: 3
Lot: 6
Annexation Date: 1997
Zoning District: Restricted Single-Family Residential (R-1R)

Requested Special Exception:

The requested Special Exception is to encroach on the 30' rear setback by approximately 7' 11". This brings the proposed construction to within 22' 1" of the rear property line. The request is specifically for new infill construction on a vacant residential lot in an established neighborhood.

Staff Analysis of Requested Special Exception - Four Development Code Criteria:

After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:

Criteria One:

The latest recorded plat of the property was approved prior to being annexed into the City;

Plat recorded: 1983
Annexed: 1997

Criteria Two:

The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)

The plat established a 16' rear utility easement. Chapter 2 (Zoning) requires a setback of 30 feet. The plat is less restrictive than the City of Sugar Land zoning requirements.

Criteria Three:

Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and

The Special Exception would allow construction within 22' 1" of the rear property line, which does not establish a setback that is less restrictive than the plat (16').

Criteria Four:

Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

Staff has examined the proposed Special Exception for key aspects:

- **Public Safety Review:** Staff has not identified any safety concerns as a result of the proposed construction. There do not appear to be any public safety issues associated with this request.
- **Proposal and the Neighborhood – Bulk Standards Comparison:** Based on an analysis of all residential lots located within 200 feet in the Sweetwater Section Two subdivision, the proposed construction does not appear to be incompatible with the surrounding area in terms of bulk (i.e. setbacks and lot coverage). Most of the existing development does not meet the 30' minimum rear yard setback requirement. Many of the lots in Block 3, where the subject property is located, consist of development located within 16' of the rear property line. This is most likely due to the fact that the subdivision was largely developed prior to annexation. Some lots do meet the 30' setback, however. The proposed setback of approximately 22' is between the setback required by the zoning regulations (30') and the actual setback for most lots (16'). As far as lot coverage is concerned, the proposed construction meets the minimum lot coverage requirement of 40%. The proposed lot coverage is approximately 28%, which is not at the high end for the subdivision. Most lots have coverage of between 25 and 30 percent. However, there are lots with greater than 40% coverage because the subdivision was developed prior to annexation.

Proposal and the Neighborhood – Bulk Standards Comparison (Properties within 200'):

17 WHITWORTH WAY	
Year Built	1993
Living Area (SF)	4,950
Lot Area (SF)	14,251
Lot Coverage	4,250 SF (30%)
Compliance w/ Minimum Rear Yard Setback Requirement	Does not appear to comply w/ minimum rear yard setback per zoning
69 THE OVAL	

Year Built	1988
Living Area (SF)	5,575
Lot Area (SF)	16,166
Lot Coverage	4,218 SF (26%)
Compliance w/ Minimum Rear Yard Setback Requirement	Appears to comply w/ rear setback
67 THE OVAL	
Year Built	1997
Living Area (SF)	8,182
Lot Area (SF)	15,779
Lot Coverage	6,488 SF (41%)
Compliance w/ Minimum Rear Yard Setback Requirement	Does not comply w/ rear setback
10 LINNEY BLVD.	
Year Built	1986
Living Area (SF)	3,020
Lot Area (SF)	12,313
Lot Coverage	2,676 SF (22%)
Compliance w/ Minimum Rear Yard Setback Requirement	Complies w/ rear setback
14 LINNEY BLVD.	
Year Built	1988
Living Area (SF)	4,704
Lot Area (SF)	13,285
Lot Coverage	3,856 SF (29%)
Compliance w/ Minimum Rear Yard Setback Requirement	Does not comply w/ rear setback
71 THE OVAL	
Year Built	1988
Living Area (SF)	4,570
Lot Area (SF)	14,810
Lot Coverage	4,269 SF (29%)
Compliance w/ Minimum Rear Yard Setback Requirement	Does not comply w/ rear setback
75 THE OVAL	
Year Built	1992
Living Area (SF)	5,683
Lot Area (SF)	17,914
Lot Coverage	4,473 SF (25%)
Compliance w/ Minimum Rear Yard Setback Requirement	Does not comply w/ rear setback
13 WHITWORTH WAY	

Year Built	1985
Living Area (SF)	4,246
Lot Area (SF)	11,859
Lot Coverage	3,404 SF (29%)
Compliance w/ Minimum Rear Yard Setback Requirement	Does not comply w/ rear setback

Proposal and the Neighborhood – General Architectural & Landscape Context:

There are no apparent significant architectural compatibility issues with the proposed construction relative to the existing neighborhood. It is staff's understanding that the building plans have been approved by the private architectural review committee (ARC) of First Colony Community Association. The proposed construction consists of approximately 8,400 square feet of total living area. The proposed lot coverage of 28 percent complies with the Development Code maximum of 40%. The proposed rear setback of 22' 1", which does not comply with the current regulations requiring a 30' rear setback, is compatible with the surrounding area, which has setbacks ranging from 16' to 30'.

Conditions:

To ensure that the granting of a special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may as part of its decision to grant a Special Exception:

- 1. Impose reasonable conditions or restrictions; and*
- 2. Grant a setback between the setback requested and the setback currently established in the residential zoning district.*

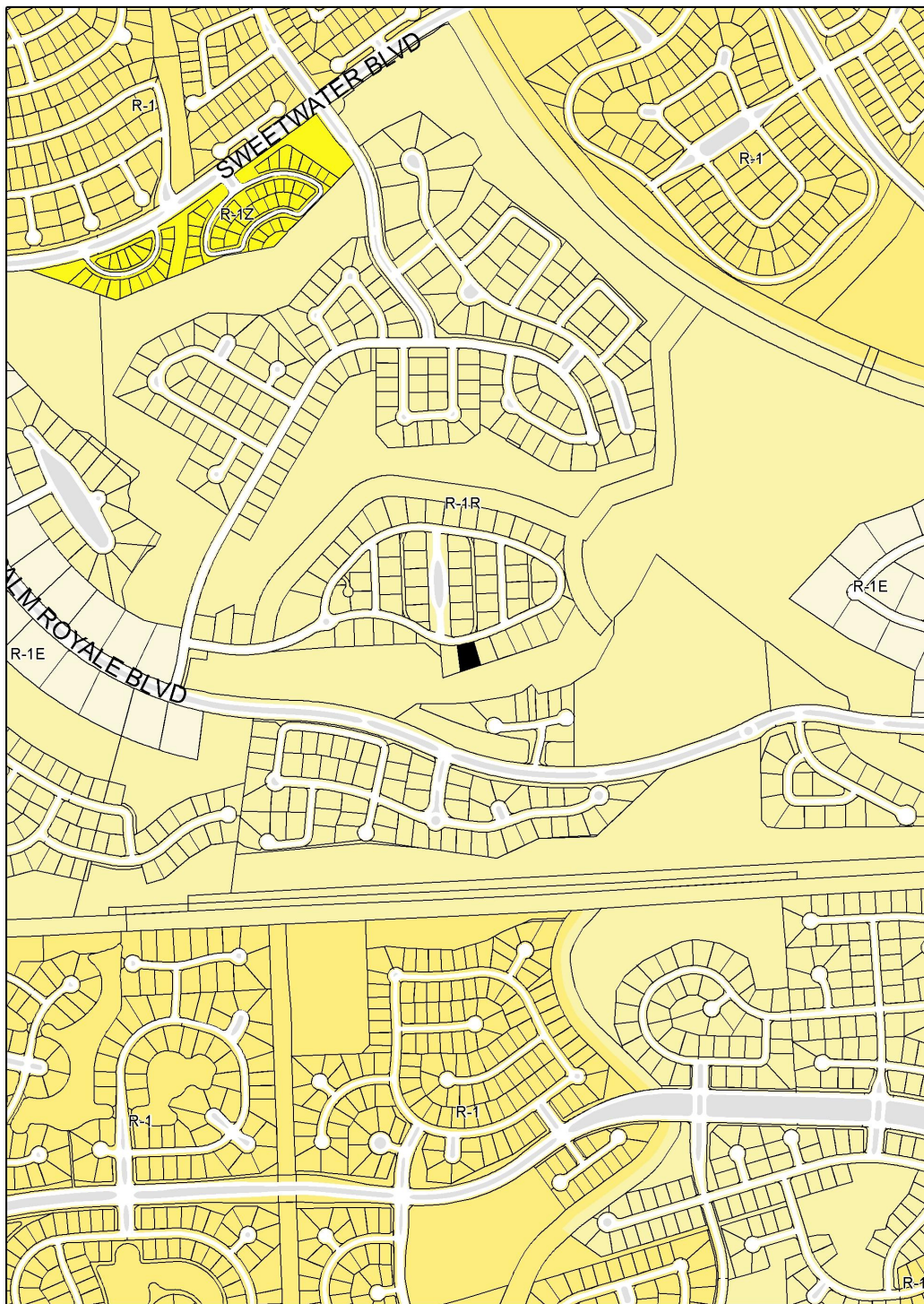
One consideration is for the Board to allow the proposed Special Exception provided that construction complies with the attached site plan. If the Board is concerned about the overall square footage of the structure, a limitation on square footage can be placed as a condition on the special exception.

Public Hearing:

Notice of this Public Hearing was published in a newspaper of general circulation, and all property owners within 200 feet of the site of this Special Exception case were notified in accordance with Chapter Two, Article I of the Development Code. A courtesy notification sign was placed on the property and the First Colony Community Association (FCCA) was notified as well. In addition, the Public Hearing notice was posted on the City of Sugar Land website. At this time, staff has received five inquiries regarding this Public Hearing, which were all informational in nature.

Vicinity Map:

73 The Oval



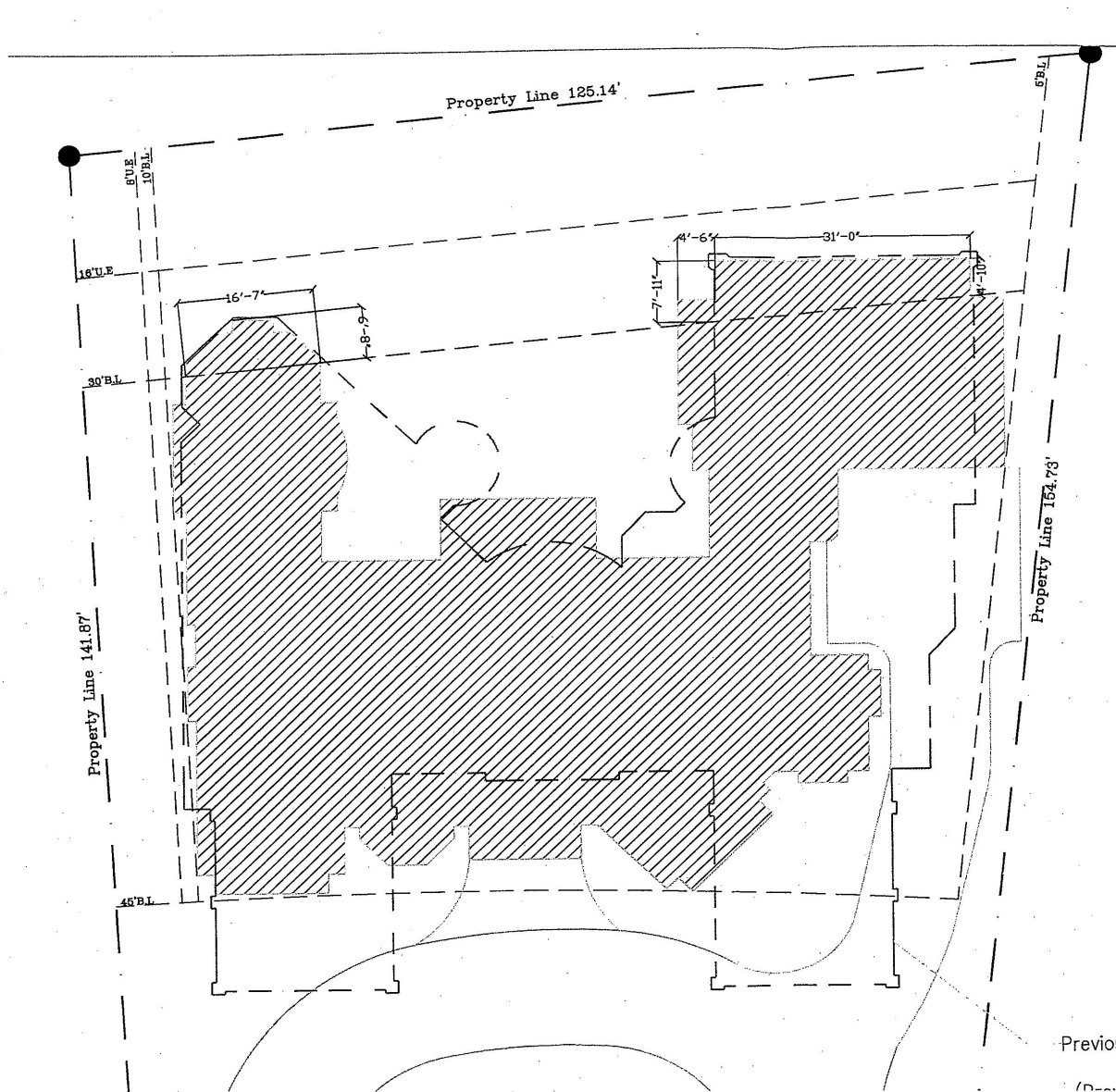
1,000

Feet

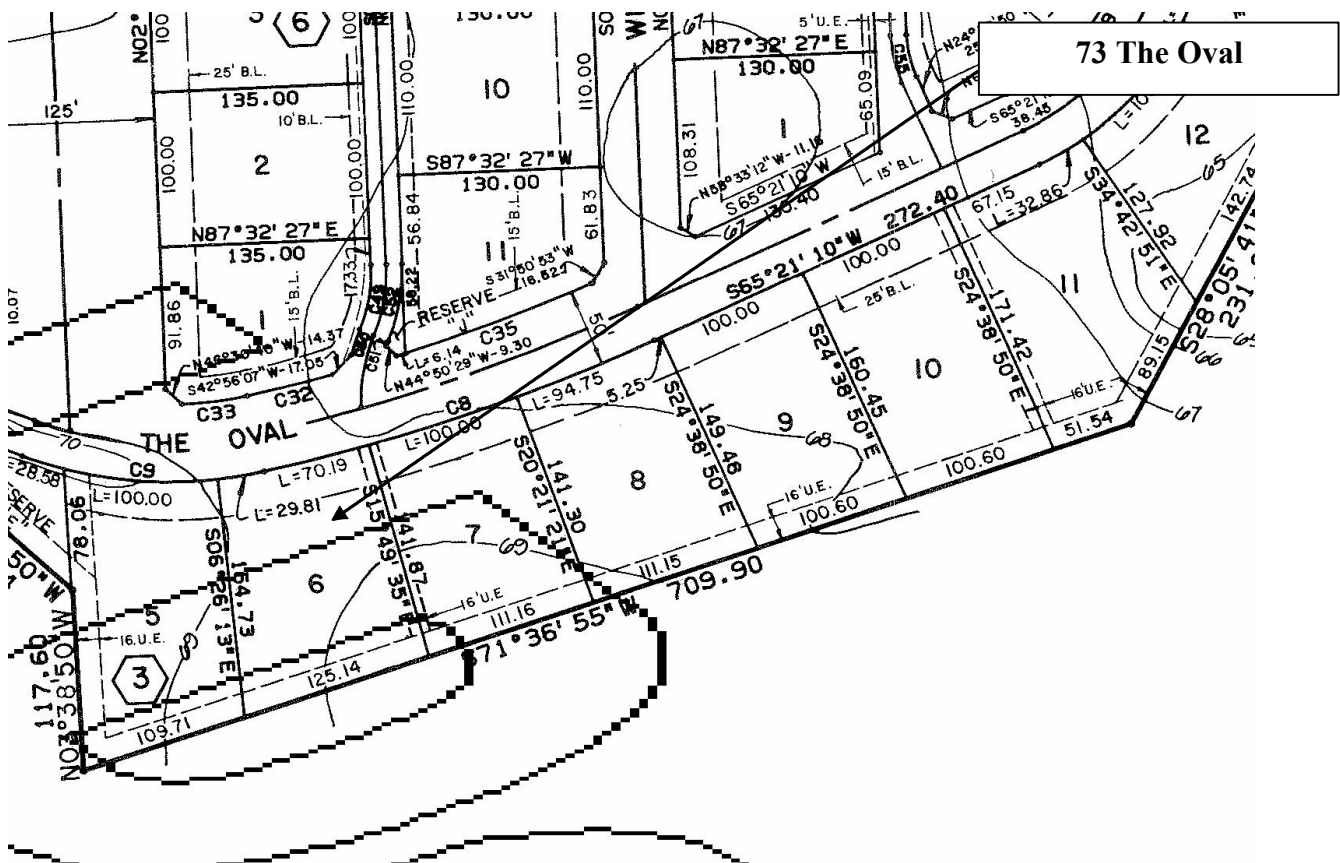


Site Plan:

- Shaded area represents footprint of proposed structure (2008)
- Dashed footprint outline is from the approved Special Exception (2006)



Excerpt from Recorded Plat:



ADDRESS: 73 THE OVAL

**PROPERTY IS PLATTED AS:
LOT 06, BLOCK 3, SWEETWATER SECTION TWO, RECORDED IN SLIDE 558, PLAT
RECORDS OF FORT BEND COUNTY, TEXAS
(RECORDED IN 1983)**

Site Photos:

Front of Property:



Back of Property:



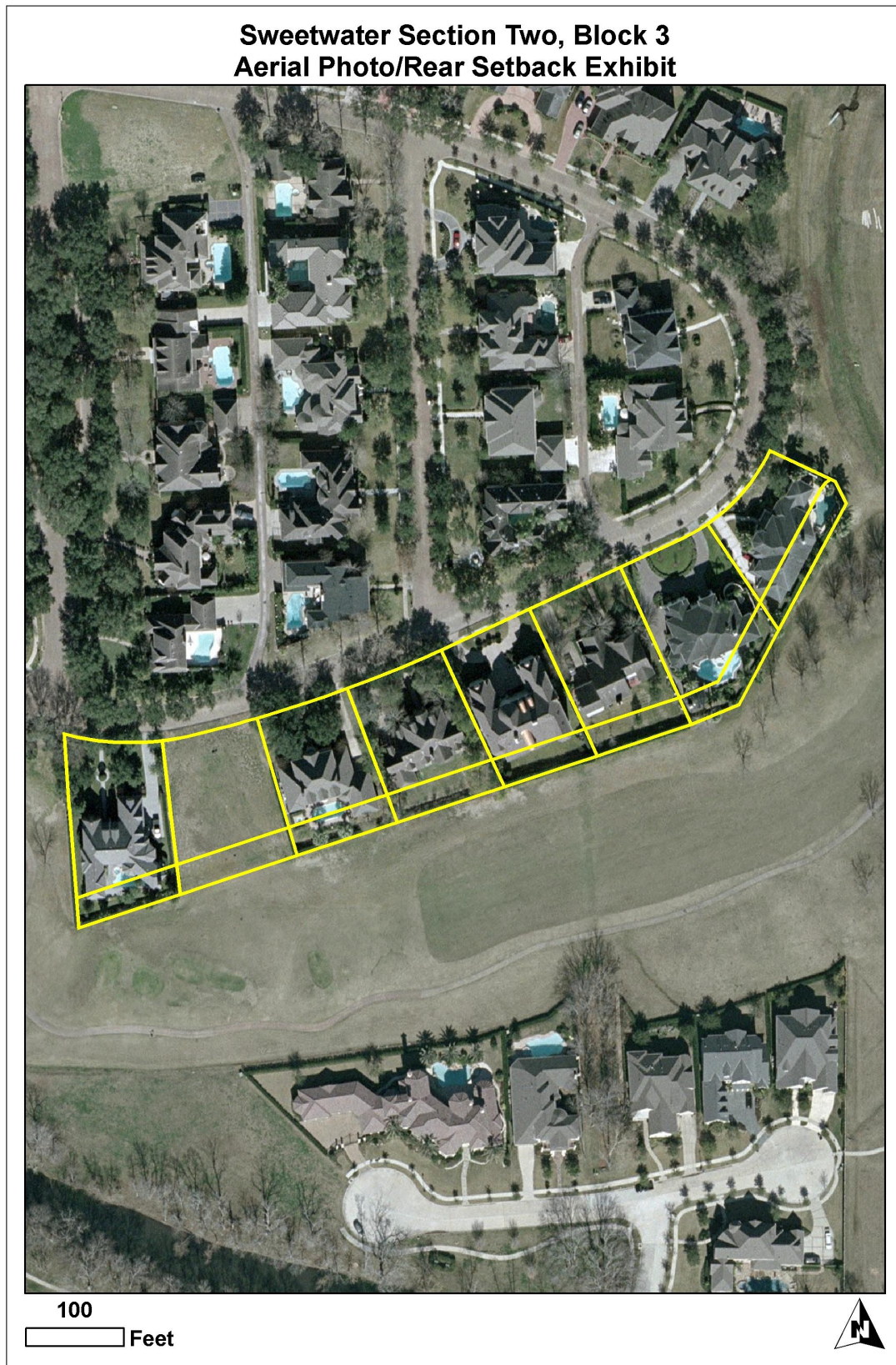
Left Side:



Right Side:



Aerial Photograph with Rear Setback:



Application:



FOR OFFICE USE
Accounting Code: ZC

CITY OF SUGAR LAND PLANNING DEPARTMENT

SPECIAL EXCEPTION REQUEST APPLICATION ZONING BOARD OF ADJUSTMENT

Please fill out the following information & return your submittal to the Planning Department

APPLICANT: Fady Naja
Address: 1510 Eldridge Pkwy. suite 110-174, Houston, TX - 77077
Company: bey design LLC
Phone: 713-870 3413
Fax: 866-249 7830
Email: fady@beydesign.com

OWNER / AGENT:
Contact / Company: bey design LLC Fady Naja
Address: 1510 Eldridge Pkwy. # 110-174 Houston, TX 77077
Phone: 713-870 3413
Fax: 866-249 7830
Email: fady@beydesign.com

Please provide the following additional information as required under the Development Code (Chapter 2, Article I, Part 6):

Address and legal description of the property: 73 the Oval street, Sugarland, TX - 77479
Lot 6, Block 3 Sweetwater section 2

Date the property became subject to the city's zoning or extraterritorial jurisdiction: _____

Date the property was annexed into the City: _____

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application. (Must be signed by property owner)

X Fady Naja Date: 05-05-08
Signature of Applicant

SUBMITTAL REQUIREMENTS:

- TWO (2) copies of Application
- Submittal Fee: \$500 (non-refundable)
- Two (2) copies of site plan / plot plan (scaled/dimensioned drawing showing location of proposed building) at 11"x17" (8 1/2" x 11" is acceptable if drawing is legible)
- Copy of the recorded plat of the property
- Copy of the recorded covenants and restrictions for the property

Oper: CYNTHIAS Type: OC Drawer: 1
Date: 5/06/08 01 Receipt no: 171253
ZC 10 ZONING & COND 1 \$500.00
CC CREDIT CARD \$500.00
Total tendered \$500.00
Total payment \$500.00

Trans date: 5/06/08 Time: 12:14:53

NOTICE OF PUBLIC HEARING

REQUEST FOR A SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT IN THE RESTRICTED SINGLE-FAMILY (R-1R) RESIDENTIAL DISTRICT AT 73 THE OVAL

NOTICE OF PUBLIC HEARING REGARDING A REQUEST FOR A SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENTS IN THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT AT 73 THE OVAL, MORE SPECIFICALLY DESCRIBED AS LOT 6, BLOCK 3, SWEETWATER SECTION TWO SUBDIVISION, PLATTED AS SLIDE 558 IN THE FORT BEND COUNTY PLAT RECORDS.

PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED SPECIAL EXCEPTION REQUEST SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
CITY HALL
2700 TOWN CENTER BOULEVARD NORTH
SUGAR LAND, TEXAS**

**WHEN: CITY OF SUGAR LAND
ZONING BOARD OF ADJUSTMENT
5:00 P.M., MAY 28, 2008**

DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.